IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 21182 of 2006(V)

PETITIONER:

M.A.SATHEESAN, RETIRED PACKER,
(HEALTH DEPARTMENT), DISTRICT MEDICAL STORE,
ERNAKULAM,
MANAKKATHAZHATHU, CHERANALLOOR, KOCHI -34.

BY ADV. SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA

RESPONDENTS:

1. STATE OF KERALA - REPRESENTED BY
SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. DISTRICT MEDICAL OFFICER OF HEALTH,
ERNAKULAM.

3. STORE SUPERINTENDENT,
DISTRICT MEDICAL STORES, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 21182/2006 V

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER NO. P12/BA/G/47154811 DT. 27/3/2006.

EXT.P2. COPY OF THE LETTER NO. P12/BA/G/47154811 DT. 27/3/2006(DCRG).

EXT.P3. COPY OF THE LAYWER NOTICE DT. 8/7/2006 TO THE R3.

EXT.P4. COPY OF THE GOVERNMENT CIRCULAR NO. 42/2003/FIN DT. 22/5/2003.

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K. BALAKRISHNAN NAIR, J.

W.P.(C) No.21182 of 2006 (V)

Dated this the 27th June, 2007.

JUDGMENT

The petitioner retired from service on 30.4.2006. This writ petition has been filed by him praying for release of terminal leave surrender benefits and arrears of pension. The petitioner submits that the above benefits were already released to him. But,, the learned counsel for the petitioner submits that arrears of salary, amounting to Rs.9,377/-, is remaining unpaid. He prays, the respondents may be directed to release it.

2. The learned Government Pleader submits that the petitioner is a defaulter to Parur Vadakkekara Service Co-operative Bank and, on the requisition issued by the said Bank, the arrears of salary due to the petitioner are withheld. The petitioner submits that after his retirement, there cannot be any recovery from him, other than that is due to the Government. The learned Government Pleader, on the other hand, submitted that going by Ruling No.1 to Rule 3, Part III of the Kerala service Rules, amounts due towards Co-operative

Societies also could be recovered from the amounts due to the Government employee. Since the Bank is not a party to these proceedings, the said dispute cannot be adjudicated in this writ petition. If the petitioner produces no objection certificate from the Bank, the amount due to the petitioner shall be released forthwith.

This writ petition is disposed of as above.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.